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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,085	03/31/2004	Anthony Stephen Ferenc	3993968-150413	7352

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Porter, Wright, Morris & Arthur LLP
ATTN: Intellectual Property Department
28th Floor
41 South High Street
Columbus, OH 43215-6194

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

MAIL DATE	DELIVERY MODE
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04/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,085

Applicant(s)

FERENC, ANTHONY STEPHEN

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-14 and 17-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 10-14, and 17-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 10, 11, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (US 5,793,007).

Matsumoto discloses a parking brake actuator for a motor vehicle, said parking brake actuator comprising, in combination: a fixed support (24); a lever (20) pivotably connected (22) to said support for movement between brake-releasing and brake-engaging positions (col. 2 lines 14-33); a locking mechanism (38,42) adapted to releasably maintain said lever in said brake-engaging position; an electrical switch (56) having a blade (52) operable to indicate when said lever is out of said brake releasing position; and wherein said switch blade is secured directly to said fixed support (see Fig 4), wherein the switch is located near a mounting hole (see Fig 4) formed in the fixed support which receives a fastener (54) to secure the fixed support to the motor vehicle (see Fig 4), wherein the switch extends to the mounting hole to contact the fastener in the mounting hole (see Fig 4) to connect the switch to ground (col. 5 lines 57-64), wherein operation of the electrical switch opens an electric circuit including the fastener when the lever is in the brake releasing position and closes the electric circuit including the fastener when the lever in the brake engaging position (see Figs 3 and 4).

Re claim 2, said fixed support forms a unitary mounting bracket for securing said switch blade to the fixed support (see Fig 4).

Re claims 10, 17, and 20, the switch is secured to the fixed support without mechanical fasteners (see Fig 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 12-14, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 5,793,007) in view of Schantz et al (US 4,230,919).

Matsumoto discloses a switch as described above, having a fixed support forming a mounting bracket for securing the switch blade to the fixed support, but does not disclose the mounting bracket made of plastic, forming a slot for receiving a portion of the switch blade to secure the switch blade to the fixed support.

Schantz et al teach the use of a switch having a mounting bracket (12) made of plastic (col. 2 lines 64-68), a terminal (16) in a slot (18), the mounting bracket forming a slot (85) for receiving a portion of the switch blade (78) to secure the switch blade to the fixed support (see Fig 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Matsumoto to include a switch as taught by Schantz et al in order to reduce cost (col. 1 line 41 - col. 2 line 6).

Re claims 4, 11, and 19, the method of forming the device (molding) is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. See MPEP 2113.

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

With respect to the applicant's arguments, the examiner disagrees. The claimed structure is clearly shown.

The applicant's remarks are have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/
Primary Examiner, Art Unit 3682